

NCAA Bylaws Amendments

Division I Proposal - 2018-20

AMATEURISM -- USE OF AGENTS -- NCAA-CERTIFIED AGENTS -- MEN'S BASKETBALL

Status: Adopted Final

Intent: In men's basketball, to permit a prospective student-athlete identified as an elite senior by USA Basketball and an enrolled student-athlete or two-year college prospective student-athlete who has requested an evaluation from the NBA Undergraduate Advisory Committee to enter into an agreement and receive benefits from an NCAA-certified agent, as specified.

A. Bylaws: Amend 12.02, as follows: *(Immediate; an NBPA-certified agent is considered an NCAA-certified agent until the NCAA agent certification program is operational, which will be not later than August 1, 2020.)*

12.02 Definitions and Applications.

12.02.1 Agent. An agent is any individual who, directly or indirectly:

- (a) Represents or attempts to represent an individual for the purpose of marketing his or her athletics ability or reputation for financial gain; or
- (b) Seeks to obtain any type of financial gain or benefit from securing a prospective student-athlete's enrollment at an educational institution or from a student-athlete's potential earnings as a professional athlete.

[12.02.1.1 unchanged.]

12.02.1.2 NCAA Certification Requirement -- Men's Basketball. In men's basketball, any individual who solicits a prospective or enrolled student-athlete to enter into an agency contract or attempts to obtain employment for an individual with a professional sports team or organization or as a professional athlete must be certified and maintain active certification per the policies and procedures of the NCAA agent certification program. (See Bylaw 12.3.1.2.)

12.02.1.2.1 Exception. A family member of the prospective or enrolled student-athlete or an individual acting solely on behalf of a professional sports team or organization is not required to be certified through the NCAA agent certification program.

12.02.1.2.2 Responsibility of NCAA-Certified Agent. An NCAA-certified agent is presumed responsible for the actions of all employees who report, directly or indirectly, to the NCAA-certified agent. Improper conduct of an NCAA-certified agent's employees shall subject the agent to disciplinary action pursuant to the NCAA agent certification program.

[12.02.2 through 12.02.16 unchanged.]

B. Bylaws: Amend 12.3, as follows: *(Immediate; applicability to an elite senior high school prospective student-athlete to be determined after NBA and NBPA evaluation of, and determination permitting, the eligibility for high school students to enter the NBA draft. Expenses provisions effective upon appropriate changes to the Uniform Athlete Agent Act, Revised Uniform Athlete Agent Act and relevant state laws.)*

12.3 Use of Agents.

12.3.1 General Rule. An individual shall be ineligible for participation in an intercollegiate sport if he or she ever has agreed (orally or in writing) to be represented by an agent for the purpose of marketing his or her athletics ability or reputation in that sport. Further, an agency contract not specifically limited in writing to a sport or particular sports shall be deemed applicable to all sports, and the individual shall be ineligible to participate in any sport.

[12.3.1.1 unchanged.]

12.3.1.2 Exception -- NCAA-Certified Agents -- Men's Basketball.

12.3.1.2.1 USA Basketball Elite Senior Prospective Student-Athletes. In men's basketball, on or after July 1 immediately before his senior year in high school, a prospective student-athlete identified as an elite senior by USA Basketball may be represented by an NCAA-certified agent (see Bylaw 12.02.1.2).

12.3.1.2.2 Enrolled Student-Athletes and Two-Year College Prospective Student-Athletes -- After Request for Evaluation From NBA Undergraduate Advisory Committee. In men's basketball, after the conclusion of the playing season, a student-athlete or a two-year college prospective student-athlete who has requested an evaluation from the NBA Undergraduate Advisory Committee may be represented by an NCAA-certified agent (see Bylaw 12.02.1.2).

12.3.1.2.3 Expenses From an NCAA-Certified Agent.

12.3.1.2.3.1 Expenses Before Agreement. Before signing a written agreement with an NCAA-certified agent, a prospective or enrolled student-athlete (and his family members) who is eligible to be represented by an NCAA-certified agent may receive transportation and meals from an NCAA-certified agent in the locale where the prospective or enrolled student-athlete is located (e.g., locale of home or institution) in conjunction with the process to select an agent.

12.3.1.2.3.2 Expenses After Agreement. After signing a written agreement with an NCAA-certified agent, the agent may provide the prospective or enrolled student-athlete (and his family members) with transportation, lodging and meals associated with meeting with the agent or a professional team.

12.3.1.2.4 No Missed Class Time. A prospective or enrolled student-athlete shall not miss class in conjunction with the agent selection process or to meet with an agent or professional team.

12.3.1.2.5 Written Agreement. An agreement between a prospective or enrolled student-athlete and an NCAA-certified agent shall be in writing. An agreement that involves a prospective student-athlete shall be disclosed to the NCAA national office. An agreement that involves an enrolled student-athlete shall be disclosed to his institution. If a high school prospective student-athlete does not sign a contract with a professional team, the agreement must be terminated before full-time enrollment. If an enrolled student-athlete or two-year college prospective student-athlete does not sign a contract with a professional team, the agreement must be terminated before full-time enrollment in the ensuing regular academic term.

12.3.1.2.6 Compensation for Representation. A prospective or enrolled student-athlete is not required to compensate an NCAA-certified agent for his or her services.

[12.3.1.2 through 12.3.1.4 renumbered as 12.3.1.3 through 12.3.1.5, unchanged.]

[12.3.2 through 12.3.4 unchanged.]

Source: NCAA Division I Board of Directors (Commission on College Basketball Agents and Advisors Topical Working Group)

Effective Date:

Section A: Immediate; an NBPA-certified agent is considered an NCAA-certified agent until the NCAA agent certification program is operational, which will be not later than August 1, 2020.

Section B: Immediate; applicability to an elite senior high school prospective student-athlete to be determined after NBA and NBPA evaluation of, and determination permitting, the eligibility for high school students to enter the NBA draft. Expenses provisions effective upon appropriate changes to the Uniform Athlete Agent Act, Revised Uniform Athlete Agent Act and relevant state laws.

Proposal Category: Amendment

Topical Area: Amateurism

Rationale: Elite high school prospective student-athletes and college student-athletes need earlier professional advice to determine whether it is in their best interests to declare for the NBA draft or whether college basketball offers a superior pathway. Although current NCAA rules allow the retention of lawyers and advisors to provide professional advice at market value, such individuals are not permitted to engage in representational activities without jeopardizing the athlete's eligibility. High school and college athletes and their families are eager for knowledge about their professional options and the evidence suggests they will find that information one way or another. Unfortunately, such athletes and their families also often misunderstand the athlete's true professional potential. Many

stakeholders voiced their belief to the Commission on College Basketball that agents are already interacting with elite high school prospective student-athletes and collegiate student-athletes, often in violation of NCAA and institutional rules. They argue that a prospective student-athlete or current student-athlete who is a legitimate candidate to participate as a professional player should have the opportunity to meet with and be represented by an NCAA-certified agent without losing eligibility. An NCAA certification process for agents, with established standards of behavior and strict consequences for violations of such standards, will ensure that the potential professionals have access to important and necessary information in a more transparent environment. Finally, the proposal, as it relates to elite senior high school prospective student-athletes, is only necessary and applicable if the NBA and National Basketball Players Association agree, as part of the collective bargaining process, to permit 18-year-olds to be eligible for the NBA draft.

Estimated Budget Impact: \$539,000-\$886,000 in one-time costs to establish the agent certification program. Approximately \$1,020,000 in annual operating expenses to run the program.

Impact on Student-Athlete's Time (Academic and/or Athletics): None.

History

Jul 30, 2018: In Progress

Aug 8, 2018: Adopted Final Adopted by the Board of Directors